

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN JOSE AMESQUITA,

Petitioner,

v.

ROD HICKMAN,

Respondent.

1:05-cv-0055-REC-TAG-HC

THIRD ORDER DENYING MOTION
FOR APPOINTMENT OF COUNSEL
(Doc. 12)

Petitioner has filed his third request for appointment of counsel. (Doc. 12). There currently exists no absolute right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.), cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules Governing Section 2254 Cases. In the present case, the Court does not find that the interests of justice would be served by the appointment of counsel at the present time.

As mentioned, Petitioner has filed the same request for counsel repeatedly. (Docs. 8, 10, 12). The repeated filing of motions which have already been ruled upon is abusive and could result in the impositions of sanctions pursuant to the Court's inherent authority. Local Rule 11-110. More importantly, repeat motions divert the Court's attention and resources away from the

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1 merits of Petitioner's case and result in unnecessary delays in handling the many habeas petitioners
2 now before this Court.

3 Accordingly, IT IS HEREBY ORDERED that petitioner's request for appointment of
4 counsel (Doc. 12), is DENIED.

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6 IT IS SO ORDERED.

7 Dated: February 3, 2006
8 **j6eb3d**

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE